

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

v.

~~REDACTED~~

FILED
SEP 11 2018
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JONATHAN JOSEPH NELSON, et al.,

CR17-0533 EMC

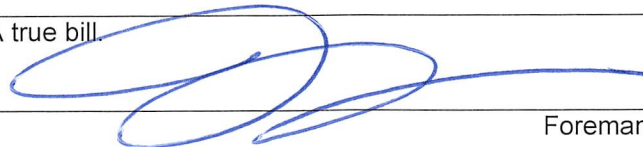
DEFENDANT(S).

SUPERSEDING INDICTMENT

VIOLATIONS:

18 u.s.c. § 1962(d) – RICO Conspiracy, 18 u.s.c. § 1959(a)(5) – Conspiracy to Commit VICAR Murder; 18 U.S.C. § 1959(a)(1) – VICAR Murder; 18 U.S.C. § 1959(a)(2) – VICAR Maiming, 18 U.S.C. § 1959(a)(3) – VICAR Assault With a Dangerous Weapon, 18 u.s.c. § 924(c)(1)(A) – Use/Possession of a Firearm During a Crime of Violence, 18 U.S.C. § 1951(a)(1) – Hobbs Act Robbery, 18 U.S.C. § 1512(b) – Witness Intimidation; 18 U.S.C. § 1512(c)(1) – Obstruction of Justice; 18 U.S.C. § 1963(a), 18 U.S.C. § 924(d), 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) – Criminal Forfeiture

A true bill.


Foreman

Filed in open court this 11th day of

September 2018.

Stephen Ybarra

Clerk

Bail, \$

no bail and warrant
Sign on 11/18/18
371 dt

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See Attachment

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See Attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

JONATHAN JOSEPH NELSON

DISTRICT COURT NUMBER

CR 17-0533 EMC

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome of this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted☒ U.S. Attorney ☐ Other U.S. Agency

Name and Office of Person

Furnishing Information on this form ALEX G. TSE

Name of Assistant U.S. Attorney (if assigned)

Kevin Barry

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

Attachment to Penalty Sheet
UNITED STATES v. JONATHAN JOSEPH NELSON
Superseding Indictment

Offenses Charged

Count One	18 U.S.C. § 1962(d) – Racketeering Conspiracy
Count Two	18 U.S.C. § 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering
Count Three	18 U.S.C. § 1959(a)(1) – Murder in Aid of Racketeering
Count Five	18 U.S.C. § 1959(a)(2) – Maiming in Aid of Racketeering
Count Six	18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in Aid of Racketeering
Count Seven	18 U.S.C. § 924(c)(1)(A) – Use/Possession of a Firearm During a Crime of Violence

Maximum Penalties

Count One	Life imprisonment; \$250,000 fine; five years' supervised release; a \$100 special assessment
Count Two	10 years' imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment
Count Three	Death or mandatory life imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment
Count Five	30 years' imprisonment; \$250,000 fine; five years' supervised release; a \$100 special assessment
Count Six	20 years' imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment

Count Seven A consecutive sentence of not less than seven years and not more than life;
\$250,000 fine; five years' supervised release; a \$100 special assessment

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See Attachment

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See Attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

RAYMOND MICHAEL FOAKES

DISTRICT COURT NUMBER

CR 17-0533 EMC

DEFENDANT**IS NOT IN CUSTODY**

- Has not been arrested, pending outcome of this proceeding.
- 1) ☐ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Kevin Barry

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

Attachment to Penalty Sheet
UNITED STATES v. RAYMOND MICHAEL FOAKES
Superseding Indictment

Offenses Charged

Count One	18 U.S.C. § 1962(d) – Racketeering Conspiracy
Count Five	18 U.S.C. § 1959(a)(2) – Maiming in Aid of Racketeering
Count Six	18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in Aid of Racketeering
Count Eight	18 U.S.C. § 1512(b) – Witness Intimidation

Maximum Penalties

Count One	Life imprisonment; \$250,000 fine; five years' supervised release; a \$100 special assessment
Count Five	30 years' imprisonment; \$250,000 fine; five years' supervised release; a \$100 special assessment
Count Six	20 years' imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment
Count Eight	20 years' imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See Attachment

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See Attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

RUSSELL ALLEN LYLES, JR.

DISTRICT COURT NUMBER

CR 17-0533 EMC

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

- ☐
- person is awaiting trial in another Federal or State Court, give name of court.

- ☐
- this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

- ☐
- this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.

- ☐
- this prosecution relates to a pending case involving this same defendant

MAGISTRATE
CASE NO.

- ☐
- prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Kevin Barry

DEFENDANT**IS NOT IN CUSTODY**

- 1)
- ☐
- Has not been arrested, pending outcome this proceeding.
-
- ☐
- If not detained give date any prior summons was served on above charges

- 2)
- ☐
- Is a Fugitive

- 3)
- ☒
- Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY

- 4)
- ☐
- On this charge

- 5)
- ☐
- On another conviction

☐ Federal ☐ State

- 6)
- ☐
- Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

- ☐
- SUMMONS
- ☒
- NO PROCESS*
- ☐
- WARRANT

If Summons, complete following:

- ☐
- Arraignment
- ☐
- Initial Appearance

Defendant Address:

Bail Amount:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

Attachment to Penalty Sheet
UNITED STATES v. RUSSELL ALLEN LYLES, JR.
Superseding Indictment

Offenses Charged

Count One	18 U.S.C. § 1962(d) – Racketeering Conspiracy
Count Five	18 U.S.C. § 1959(a)(2) – Maiming in Aid of Racketeering
Count Six	18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in Aid of Racketeering

Maximum Penalties

Count One	Life imprisonment; \$250,000 fine; five years' supervised release; a \$100 special assessment
Count Five	30 years' imprisonment; \$250,000 fine; five years' supervised release; a \$100 special assessment
Count Six	20 years' imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See Attachment

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See Attachment


PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Kevin Barry

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

JEREMY DANIEL GREER

DISTRICT COURT NUMBER

CR 17-0533 EMC

DEFENDANT**IS NOT IN CUSTODY**
 1) ☐ Has not been arrested, pending outcome of this proceeding.
☐ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments:

Attachment to Penalty Sheet
UNITED STATES v. JEREMY DANIEL GREER
Superseding Indictment

Offenses Charged

Count One	18 U.S.C. § 1962(d) – Racketeering Conspiracy
Counts Four and Nine	18 U.S.C. § 1951(a) – Hobbs Act Robbery
Count Five	18 U.S.C. § 1959(a)(2) – Maiming in Aid of Racketeering
Count Six	18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in Aid of Racketeering
Count Ten	18 U.S.C. § 924(c)(1)(A) – Use/Possession of a Firearm During a Crime of Violence

Maximum Penalties

Count One	Life imprisonment; \$250,000 fine; five years' supervised release; a \$100 special assessment
Counts Four and Nine	20 years' imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment
Count Five	30 years' imprisonment; \$250,000 fine; five years' supervised release; a \$100 special assessment
Count Six	20 years' imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment
Count Ten	A consecutive sentence of not less than seven years and not more than life; \$250,000 fine; five years' supervised release; a \$100 special assessment

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT☒ SUPERSEDING**OFFENSE CHARGED**

See Attachment

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See Attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

BRIAN WAYNE WENDT

DISTRICT COURT NUMBER

CR 17-0533 EMC

FILED
SEP 11 2018SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Kevin Barry

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

Attachment to Penalty Sheet
UNITED STATES v. BRIAN WAYNE WENDT
Superseding Indictment

Offenses Charged

Count One	18 U.S.C. § 1962(d) – Racketeering Conspiracy
Count Two	18 U.S.C. § 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering
Count Three	18 U.S.C. § 1959(a)(1) – Murder in Aid of Racketeering

Maximum Penalties

Count One	Life imprisonment; \$250,000 fine; five years' supervised release; a \$100 special assessment
Count Two	10 years' imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment
Count Three	Death or mandatory life imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See Attachment

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See Attachment



Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

RUSSELL TAYLOR OTT

DISTRICT COURT NUMBER

CR 17-0533 EMC

 FILED
 SEP 11 2018
 SUSAN Y. SOO
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome of this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCp 20, 21, or 40. Show District
☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Kevin Barry

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

Attachment to Penalty Sheet
UNITED STATES v. RUSSELL TAYLOR OTT
Superseding Indictment

Offenses Charged

Count One	18 U.S.C. § 1962(d) – Racketeering Conspiracy
Count Two	18 U.S.C. § 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering
Count Three	18 U.S.C. § 1959(a)(1) – Murder in Aid of Racketeering

Maximum Penalties

Count One	Life imprisonment; \$250,000 fine; five years' supervised release; a \$100 special assessment
Count Two	10 years' imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment
Count Three	Death or mandatory life imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

18 U.S.C. § 1962(d) -- Racketeering Conspiracy

☐ Petty

18 U.S.C. § 1959(a)(5) -- Conspiracy to Commit Murder in Aid of Racketeering

☐ Minor☐ Misdemeanor☒ Felony

PENALTY: Life imprisonment; \$250,000 fine; five years' supervised release; a \$100 special assessment

10 years' imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

CHRISTOPHER RANIERI

DISTRICT COURT NUMBER

CR 17-0533 EMC

 FILED
 SEP 11 2018
 SUSAN Y. SOON
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome of this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form ALEX G. TSE

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Kevin Barry

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See Attachment

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See Attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

DAMIEN DAVID CESENA

DISTRICT COURT NUMBER

CR 17-0533 EMC

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome of this proceeding.

- 1)
- ☐
- If not detained give date any prior summons was served on above charges

- 2)
- ☐
- Is a Fugitive

- 3)
- ☒
- Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY

- 4)
- ☐
- On this charge

- 5)
- ☐
- On another conviction

☐ Federal ☐ State

- 6)
- ☐
- Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

- ☐
- person is awaiting trial in another Federal or State Court, give name of court

- ☐
- this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

- ☐
- this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

- ☐
- this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

- ☐
- prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Kevin Barry

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

- ☐
- SUMMONS
- ☒
- NO PROCESS*
- ☐
- WARRANT

Bail Amount: _____

If Summons, complete following:

- ☐
- Arraignment
- ☐
- Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

Attachment to Penalty Sheet
UNITED STATES v. DAMIEN DAVID CESENA
Superseding Indictment

Offenses Charged

Count One 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Count Four 18 U.S.C. § 1951(a) – Hobbs Act Robbery

Maximum Penalties

Count One Life imprisonment; \$250,000 fine; five years' supervised release; a \$100 special assessment

Count Four 20 years' imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

18 U.S.C. § 1512(b) -- Witness Intimidation

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: 20 years' imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

BRIAN ALLEN BURKE

DISTRICT COURT NUMBER

CR 17-0533 EMC

 FILED
 SEP 11 2018
 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Kevin Barry

IS NOT IN CUSTODY
 Has not been arrested, pending outcome this proceeding
 1) ☐ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

18 U.S.C. § 1962(d) – Racketeering Conspiracy

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY: Life imprisonment;
 \$250,000 fine;
 Five years' supervised release;
 \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

DAVID SALVATORE DIAZ, III

DISTRICT COURT NUMBER

CR 17-0533 EMC

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome of this proceeding

 1) ☐ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Kevin Barry

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

18 U.S.C. § 1512(c)(1) – Obstruction of Justice

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: 20 years' imprisonment; \$250,000 fine; three years' supervised release; a \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

MERL FREDRICK HEFFERMAN

DISTRICT COURT NUMBER

CR 17-0533 EMC

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome of this proceeding.

- 1) ☒ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Kevin Barry

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

ALEX G. TSE (CABN 152348)
United States Attorney

FILED
SEP 17 2018
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SEALED
BY COURT ORDER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JONATHAN JOSEPH NELSON, a/k/a "Jon
Jon,"

RAYMOND MICHAEL FOAKES, a/k/a "Ray
Ray,"

RUSSELL ALLEN LYLES, JR., a/k/a "J.R.,"

JEREMY DANIEL GREER,

BRIAN WAYNE WENDT,

RUSSELL TAYLOR OTT, a/k/a "Rusty,"

CHRISTOPHER RANIERI, a/k/a "Rain Man,"

DAMIEN DAVID CESENA,

BRIAN ALLEN BURKE, a/k/a "Bucky,"

DAVID SALVATORE DIAZ, III, and

MERL FREDRICK HEFFERMAN

Defendants.

Case No. CR 17-0533 EMC

VIOLATIONS – 18 U.S.C. § 1962(d) – RICO
Conspiracy, 18 U.S.C. § 1959(a)(5) – Conspiracy to
Commit VICAR Murder; 18 U.S.C. § 1959(a)(1) –
VICAR Murder; 18 U.S.C. § 1959(a)(2) – VICAR
Maiming, 18 U.S.C. § 1959(a)(3) – VICAR Assault
With a Dangerous Weapon, 18 U.S.C. § 924(c)(1)(A)
– Use/Possession of a Firearm During a Crime of
Violence, 18 U.S.C. § 1951(a)(1) – Hobbs Act
Robbery, 18 U.S.C. § 1512(b) – Witness
Intimidation; 18 U.S.C. § 1512(c)(1) – Obstruction of
Justice; 18 U.S.C. § 1963(a), 18 U.S.C. § 924(d), 18
U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) –
Criminal Forfeiture

SAN FRANCISCO VENUE

SUPERSEDING INDICTMENT

SUPERSEDING INDICTMENT

The Grand Jury charges:

Introduction

At all times relevant to this Superseding Indictment, and with all dates being approximate and all date ranges being approximate and inclusive:

1. The Hells Angels are a transnational violent outlaw motorcycle gang, and the Hells Angels Sonoma County chapter (HASC) is a subset of that organization whose members primarily operate in Sonoma County, California and surrounding counties, and whose activities have affected other parts of the United States. HASC has been in operation since the early 1970s. Associates of HASC include Hells Angels who have a close relationship with HASC, particularly members of the Fresno and Salem/Boston chapters of the Hells Angels.

2. Members and associates of HASC signify their membership by wearing clothing, such as vests, with the words “Hells Angels” and the “death’s head” logo. These words and logo are displayed on the back of vests in the form of patches, coupled with a patch that indicates the geographical area claimed by the chapter—“California” in the case of HASC, as depicted below:



Members of HASC and associates who are Hells Angels also wear tattoos bearing the words “Hells Angels” and various iterations of the death’s head symbol. Members claim the colors red and white, and they wear patches in these colors that signify their affiliation with HASC, such as smaller rectangular patches on the front of their vests that state “Sonoma Co.”

3. Other red and white patches can indicate a member’s role as an officer within HASC, such as “President,” or can indicate a close affiliation with a sister Hells Angels chapter. For instance, an HASC member wearing a “Boston” patch on his vest would indicate that he is held in esteem by the Salem/Boston chapter, and a member of the Fresno chapter wearing a “Sonoma County” patch on his vest would indicate that he is held in esteem by HASC. Still other red and white patches are designed to highlight aspects about HASC in general. For instance, some HASC members wear rectangular red and white patches that state “Young Guns.” This is a patch that HASC has adopted for itself which commemorates the fact that at one point, HASC inducted the youngest member of the Hells Angels—defendant RUSSELL LYLES—when he was 19 years old. It also indicates that HASC was a vibrant chapter, with several young members.

4. HASC members and associates also display patches that celebrate deeds performed on behalf of HASC or the Hells Angels in general. A common one is the “Filthy Few” patch. This patch, in black and white, traditionally indicated that a member committed a murder on behalf of the Hells Angels, but it can also indicate that the member has committed an HASC-related violent act. Some HASC members also have a “Sturgis Wrecking Crew” patch, which indicates that the member performed some act of violence on behalf of HASC or the Hells Angels in general at the annual motorcycle rally held in Sturgis, South Dakota.

5. Members and associates of HASC are expected to protect the name, reputation, and status of the gang and its individual members from harm, insult, or disrespect by rival gang members and other persons. HASC members require that all individuals show respect and deference to the gang, its members and associates, and their families. To protect the gang and to enhance its reputation, HASC members are expected to use any means necessary, including acts of intimidation and violence, to obtain respect from those who show its members disrespect.

6. Members and associates of HASC engage in criminal activity, including murder,

1 narcotics distribution, assault, robbery, extortion, illegal firearms possession, and obstruction of justice
2 by threatening, intimidating, and retaliating against witnesses whom they believed to be cooperating
3 with law enforcement and by destroying evidence and providing false information to law enforcement.
4 HASC members and associates commit acts of violence to maintain and enhance membership and
5 discipline within the gang, including violence against rival gang members, those perceived to be rival
6 gang members, rivals in general, those who disrespect or commit violence against HASC members or
7 other Hells Angels, friends or family, as well as HASC members and associates who violate the gang's
8 rules.

9 7. HASC works cooperatively with other Hells Angels chapters to engage in criminal
10 activity. HASC has particularly close relationships with chapters in Fresno, California and
11 Salem/Boston, Massachusetts.

12 8. HASC has a formal leadership and membership structure that includes the following
13 officers: President, Vice-President, Secretary, Treasurer, and Sergeant at Arms. While HASC members
14 have voting rights on issues concerning the gang, HASC members ultimately answer to the officers, and
15 the Sergeant at Arms is responsible for enforcing discipline within the gang, often using violence even
16 against HASC members. Becoming a member of HASC involves a formalized process. A person
17 interested in membership is first invited to become a "hangaround," someone who performs menial tasks
18 on behalf of HASC and attempts to gain the respect of HASC members. The next stage of membership
19 is that of a "prospect." A prospect is allowed to wear a vest with a bottom patch that says "California"
20 and front patches that identify his status as a prospect and his local club, such as "Sonoma Co." for
21 HASC. Prospects can attend part of the weekly HASC meetings, referred to as "church," but they are
22 not allowed to vote, and they must leave the meetings when important club business is discussed among
23 members. Prospects are expected to do whatever members ask. At church, they guard the clubhouse.
24 On motorcycle trips by the chapter, or "runs," they are expected to hold firearms. A person generally is
25 a prospect for a year before being considered for full membership.

26 9. If a prospect successfully completes the one-year probationary period, the chapter can
27 vote to make him a full member. If accepted for membership, the person can then wear a vest with all
28 the patches—the "Hells Angels" top patch on the back of the vest, the death's head patch in the middle,

1 and the “California” patch on the bottom. For this reason, actual HASC members are often referred to
 2 as “full patch” members. The member can also wear clothing, jewelry, and tattoos that explicitly use the
 3 Hells Angels name and the death’s head logo.

4 10. HASC members and associates communicate about gang activities with other HASC
 5 members using mobile telephones, telephone text messages, and other modes of electronic and wire
 6 communications.

7 The Racketeering Enterprise

8 11. HASC, including its leadership, members, and associates constitutes an “enterprise” as
 9 defined in Title 18, United States Code, Sections 1961(4) and 1959(b)(2), that is, a group of individuals
 10 associated in fact that is engaged in, and the activities of which affect, interstate and foreign commerce.
 11 The enterprise constitutes an ongoing organization whose members function as a continuing unit that has
 12 a common purpose of achieving the objectives of the enterprise.

13 Purposes of the Enterprise

14 12. The purposes of the HASC enterprise, including its members and associates, include, but
 15 are not limited to, the following:

16 a. Preserving and protecting the power, territory, reputation, and profits of the
 17 enterprise, its members, and family members, through the use of intimidation, violence, threats of
 18 violence, assaults, and murder;

19 b. Promoting and enhancing the enterprise and the activities of its members and
 20 associates, including, but not limited to, murder, conspiracy to murder, narcotics trafficking, robbery,
 21 extortion, witness intimidation, and other criminal activities;

22 c. Keeping victims, potential victims, and community members in fear of the
 23 enterprise and its members and associates through violence and threats of violence;

24 d. Providing financial support and information to HASC members, including those
 25 who are incarcerated; and

26 e. Providing assistance to other HASC members who commit crimes for and on
 27 behalf of the gang, to hinder, obstruct, and prevent law enforcement officers from identifying the
 28 offenders, apprehending the offenders, and successfully prosecuting and punishing the offenders.

The Means and Methods of the Enterprise

13. The means and methods by which the defendants and other members and associates of HASC conduct and participate in the conduct of the affairs of HASC include, but are not limited to:

a. Members of HASC protect and expand the enterprise's criminal operation by committing, attempting, and threatening to commit violence, including murder, assaults, intimidation, and threats of violence directed against rival gang members, rivals in general, those who disrespect HASC, its members, associates, and families, and potential witnesses to the crimes of the enterprise;

b. Members of HASC promote a climate of fear through intimidation, violence, and threats of violence intended to promote the authority of the enterprise and its members and to insulate its members from prosecution for the criminal actions of the enterprise; and

c. Members of HASC use the enterprise to murder, assault, and threaten those who pose a threat to the enterprise.

14. It is part of the means and methods of the enterprise that the defendants and other members and associates of HASC discuss with other members and associates of HASC, among other things, the membership and rules of HASC; the status of HASC members and associates who were arrested or incarcerated; the disciplining of HASC members; HASC members' encounters with law enforcement; the identities of individuals suspected of cooperating with law enforcement and the proposed actions to be taken against them; plans and agreements regarding the commission of future crimes, including murder, robbery, extortion, narcotics distribution, illegal possession of firearms, and assault, as well as ways to conceal these crimes; and the enforcement of the rules of HASC.

15. It is further part of the means and methods of the enterprise that the defendants and other members and associates of HASC agreed to purchase, possess, maintain, use, and circulate a collection of firearms for use in criminal activity by the members and associates of HASC.

16. It is further part of the means and methods of the enterprise that the defendants and other members and associates of HASC agreed that acts of violence, including murder, attempted murder, and assault, would be committed by members and associates of HASC against rival gang members and others when it suited the enterprise's purposes.

17. It is further part of the means and methods of the enterprise that the defendants and other members and associates of HASC agreed to distribute narcotics, to commit robbery, extortion, and other crimes, and to conceal their criminal activities by obstructing justice, threatening and intimidating witnesses, and other means.

The Defendants

18. Defendant JONATHAN JOSEPH NELSON, a/k/a "Jon Jon," is the President of HASC. Defendant RAYMOND MICHAEL FOAKES, a/k/a "Ray Ray," is a member of HASC and the former President of HASC. Defendant RUSSELL ALLEN LYLES, JR., a/k/a "J.R.," is a member of HASC and the former Sergeant at Arms of HASC. Defendant JEREMY DANIEL GREER is a former member of HASC. Defendant BRIAN WAYNE WENDT is the President of the Fresno chapter of the Hells Angels. Defendant RUSSELL TAYLOR OTT, a/k/a "Rusty," is a member of HASC and the former President of HASC. CHRISTOPHER RANIERI, a/k/a "Rain Man," is the President of the Salem/Boston chapter of the Hells Angels. Defendant DAMIEN DAVID CESENA is a member of HASC. Defendant BRIAN ALLEN BURKE, a/k/a "Bucky," is a member of HASC. Defendant DAVID SALVATORE DIAZ, III is the Secretary of HASC. Defendant MERL FREDRICK HEFFERMAN is a member of the Fresno chapter of the Hells Angels.

COUNT ONE: (18 U.S.C. § 1962(d) — Racketeering Conspiracy)

The Racketeering Conspiracy

19. Paragraphs 1 through 18 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

20. Beginning on a date unknown to the Grand Jury but since at least 2007, and continuing up through and including the present, in the Northern District of California and elsewhere, the defendants

JONATHAN JOSEPH NELSON, a/k/a "Jon Jon,"
RAYMOND MICHAEL FOAKES, a/k/a "Ray Ray,"
RUSSELL ALLEN LYLES, JR., a/k/a "J.R.,"
JEREMY DANIEL GREER,
BRIAN WAYNE WENDT,
RUSSELL TAYLOR OTT, a/k/a "Rusty,"

CHRISTOPHER RANIERI, a/k/a "Rain Man,"
 DAMIEN DAVID CESENA, and
 DAVID SALVATORE DIAZ, III

together with others known and unknown to the Grand Jury, each being a person employed by and associated with HASC, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully, knowingly, and intentionally conspired to violate Title 18, United States Code, Section 1962(c), that is to conduct and participate, directly and indirectly, in the conduct of the affairs of the HASC enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and (5), which pattern of racketeering activity consisted of multiple acts and threats involving offenses chargeable under the following provisions of California law:

a. murder, in violation of California Penal Code Sections 21a, 31, 187, 188, 189, 182, 422, and 664;

b. robbery, in violation of California Penal Code Sections 21a, 31, 211, 212, 212.5, 213, 182, and 664;

c. extortion, in violation of California Penal Code Sections 21a, 31, 182, 518, 519, 520, 524, and 664;

multiple acts indictable under the following provisions of federal law:

d. interference with commerce, robbery, and extortion, in violation of Title 18, United States Code, Section 1951; and

e. tampering with a witness, victim, or an informant, in violation of Title 18, United States Code, Section 1512;

and multiple offenses involving the manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

21. It was part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

//

//

Overt Acts

22. In furtherance of the conspiracy and in order to effectuate the object thereof, the defendants and their co-conspirators, in various combinations, directly and indirectly, within the Northern District of California and elsewhere, committed overt acts, including, but not limited to, the following:

a. In July and August 2007, RAYMOND FOAKES committed acts of bank fraud and money laundering in connection with a mortgage fraud scheme. The purpose of the mortgage fraud was to obtain a residence in which to establish an indoor marijuana cultivation operation.

b. On or about February 10, 2008, JONATHAN NELSON and a San Francisco Hells Angel assaulted an individual at a bar.

c. On or about June 12, 2008, RUSSELL LYLES possessed three shotguns, a loaded pistol, two rifles, a homemade mace-type weapon, two sets of brass knuckles, a drum-style large capacity magazine for an AR-15 rifle, several knives, and eight Kevlar bulletproof vests. LYLES was also in possession of 84 growing marijuana plants at the same time.

d. On or about June 4, 2011, HASC members assaulted a member of the rival Vagos motorcycle gang.

e. On or about July 15, 2014, BRIAN WENDT, aided and abetted by JONATHAN NELSON and RUSSELL OTT, killed Victim 1 at the Fresno Hells Angels clubhouse. The murder began when JONATHAN NELSON directed Victim 1 to travel to the Fresno Hells Angels clubhouse to meet with BRIAN WENDT, and on or about July 15, 2014, RUSSELL OTT travelled with Victim 1 from the Northern District of California to Fresno, California. On or about July 16, 2014, Merl Hefferman disposed of Victim 1's body.

f. On or about January 15, 2015, DAMIEN CESENA and JEREMY GREER conducted a home invasion robbery of Victim 2, during which they took marijuana.

g. On or about August 25, 2015, DAMIEN CESENA possessed an illegal weapon—a ball peen hammer—located in his motorcycle and a loaded magazine for a pistol located in his office.

h. On or about September 2, 2015, JONATHAN NELSON and RUSSELL LYLES stole a motorcycle from Victim 3.

i. On or about November 26, 2016, JONATHAN NELSON, RAYMOND FOAKES, RUSSELL LYLES, and JEREMY GREER, maimed and assaulted Victim 5.

j. On or about November 26, 2016, RUSSELL LYLES, DAVID DIAZ, DAMIEN CESENA, and other HASC members stole property, including a motorcycle, from Victim 5.

k. On or about November 26, 2016, RAYMOND FOAKES sexually assaulted Victim 6. During the assault, RAYMOND FOAKES threatened to harm Victim 6 and Victim 6's family if Victim 6 reported the assault.

l. On or about December 19, 2016, JEREMY GREER robbed Victim 4 of marijuana and United States currency.

m. On or about December 23, 2016, JEREMY GREER and a third person followed Victim 4 in a vehicle that contained two loaded pistols, zip ties pre-formed for ready handcuffs, latex gloves and other gloves, clown masks, blank keys, lockpicks for automobiles, camouflage outfits, a home-made club with nails embedded into it, bolt cutters, a fencepost driver that could be used as a door battering ram, and a large quantity of HASC paraphernalia, including two sweatshirts and a hat from the Hells Angels Salem/Boston chapter.

n. On or about February 8, 2017, BRIAN BURKE threatened and intimidated Victim 6, who was a potential witness against RAYMOND FOAKES.

o. On or about February 25, 2017, BRIAN WENDT and another member of the Fresno Hells Angels chapter possessed multiple Glock pistols, a Desert Eagle .44 magnum pistol, a Springfield Armory .45 caliber pistol, a .44 magnum revolver, a .357 magnum revolver, two rifles, a loaded high-capacity drum magazine for an assault rifle, various loaded magazines, loose ammunition, and several knives.

p. On or about February 26, 2017, DAVID DIAZ illegally possessed a 13 inch knife.

All in violation of Title 18, United States Code, Section 1962(d).

NOTICE OF SPECIAL SENTENCING FACTORS AS TO COUNT ONE

Number 1: Conspiracy to Commit Murder

23. Beginning on a date unknown to the Grand Jury but since at least the mid-1990s, and continuing up through and including the present, in the Northern District of California and elsewhere,

1 the defendants,

2 JONATHAN JOSEPH NELSON, a/k/a "Jon Jon,"
 3 RAYMOND MICHAEL FOAKES, a/k/a "Ray Ray,"
 4 BRIAN WENDT,
 5 RUSSELL TAYLOR OTT, a/k/a "Rusty," and
 6 CHRISTOPHER RANIERI, a/k/a "Rain Man,"

7 together with others known and unknown to the Grand Jury, each being a person employed by and
 8 associated with HASC, an enterprise engaged in, and the activities of which affected, interstate and
 9 foreign commerce, unlawfully, knowingly, and intentionally conspired to commit murder, in violation of
 10 California Penal Code Sections 187, 188, 189, and 182, to wit, the defendants agreed together and with
 11 each other to kill, with malice aforethought, actual and suspected members of rival gangs, individuals
 12 suspected of cooperating with law enforcement, and individuals who defied the will of HASC.

13 Number 2: JONATHAN JOSEPH NELSON, BRIAN WENDT, and

14 RUSSELL TAYLOR OTT — First Degree Murder of Victim 1

15 24. On or about July 15, 2014, in the Northern District of California and elsewhere, the
 16 defendants

17 JONATHAN JOSEPH NELSON, a/k/a "Jon Jon,"
 18 BRIAN WENDT, and
 19 RUSSELL TAYLOR OTT, a/k/a "Rusty"

20 unlawfully, willfully and intentionally and with deliberation and premeditation, killed with malice
 21 aforethought Victim 1, in violation of California Penal Code Sections 31, 187, 188, and 189.

22 COUNT TWO: (18 U.S.C. § 1959(a)(5) — Conspiracy to Commit Murder in Aid of
 23 Racketeering)

24 25. Paragraphs 1 through 18 of this Superseding Indictment are realleged and incorporated by
 25 reference as though fully set forth herein.

26 26. The HASC enterprise, through its members and associates, engaged in racketeering
 27 activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely multiple
 28 acts and threats in violation of California Penal Code Sections 21a, 31, 187, 188, 189, 182, 422 and 664

(involving murder); multiple acts and threats in violation of California Penal Code Sections 21a, 31, 211, 212, 212.5, 213, 182, and 664 (involving robbery); multiple acts in violation of California Penal Code Sections 21a, 31, 182, 518, 519, 520, 524, and 664 (involving extortion); multiple acts indictable under Title 18, United States Code, Sections 1951 (relating to interference with commerce, robbery, or extortion) and 1512 (relating to tampering with a witness, victim, or an informant); and multiple offenses involving the manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

27. Beginning on a date unknown to the Grand Jury, but continuing to on or about July 15, 2014, in the Northern District of California and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in HASC, an enterprise engaged in racketeering activity, defendants

JONATHAN JOSEPH NELSON, a/k/a "Jon Jon,"
BRIAN WAYNE WENDT,
RUSSELL TAYLOR OTT, a/k/a "Rusty," and
CHRISTOPHER RANIERI, a/k/a "Rain Man,"

conspired together and with others known and unknown to murder Victim 1, in violation of California Penal Code Sections 182, 187, 188, and 189.

All in violation of Title 18, United States Code, Section 1959(a)(5).

COUNT THREE: (18 U.S.C. § 1959(a)(1) — Murder in Aid of Racketeering)

28. Paragraphs 1 through 18 and 26 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

29. On or about July 15, 2014, in the Northern District of California and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in HASC, an enterprise engaged in racketeering activity, the defendants

JONATHAN JOSEPH NELSON, a/k/a "Jon Jon,"
BRIAN WAYNE WENDT, and
RUSSELL TAYLOR OTT, a/k/a "Rusty"

each aided and abetted by the other, unlawfully and knowingly murdered Victim 1, in violation of

1 California Penal Code Sections 187, 188, and 189.

2 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

3
4 COUNT FOUR: (18 U.S.C. § 1951(a) — Hobbs Act Robbery)

5 30. On or about January 15, 2015, in the Northern District of California, defendants

6 JEREMY DANIEL GREER and
7 DAMIEN DAVID CESENA,

8 each aided and abetted by the other, knowingly obstructed, delayed, and affected commerce and the
9 movement of articles and commodities in commerce by robbery, as that term is defined in Title 18,
10 United States Code, Section 1951(b)(1); that is, defendants robbed Victim 2 of marijuana.

11 All in violation of Title 18, United States Code, Sections 1951(a) and 2.

12
13 COUNT FIVE: (18 U.S.C. § 1959(a)(2) — Maiming in Aid of Racketeering)

14 31. Paragraphs 1 through 18 and 26 of this Superseding Indictment are realleged and
15 incorporated by reference as though fully set forth herein.

16 32. On or about November 26, 2016, in the Northern District of California, for the purpose of
17 gaining entrance to and maintaining and increasing position in HASC, an enterprise engaged in
18 racketeering activity, defendants

19 JONATHAN JOSEPH NELSON, a/k/a “Jon Jon,”
20 RAYMOND MICHAEL FOAKES, a/k/a “Ray Ray,”
21 RUSSELL ALLEN LYLES, JR., a/k/a “J.R.,” and
22 JEREMY DANIEL GREER,

23 each aided and abetted by the others, unlawfully and knowingly maimed Victim 5, in violation of
24 California Penal Code Section 203.

25 All in violation of Title 18, United States Code, Sections 1959(a)(2) and 2.

26 //

27 //

28 //

COUNT SIX: (18 U.S.C. § 1959(a)(3) — Assault with a Dangerous Weapon in Aid of
Racketeering)

33. Paragraphs 1 through 18 and 26 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

34. On or about November 26, 2016, in the Northern District of California, for the purpose of gaining entrance to and maintaining and increasing position in HASC, an enterprise engaged in racketeering activity, defendants

JONATHAN JOSEPH NELSON, a/k/a “Jon Jon,”
RAYMOND MICHAEL FOAKES, a/k/a “Ray Ray,”
RUSSELL ALLEN LYLES, JR., a/k/a “J.R.,” and
JEREMY DANIEL GREER,

each aided and abetted by the others, unlawfully and knowingly assaulted Victim 5 with a dangerous weapon, specifically, a firearm, in violation of California Penal Code Section 245(a)(2).

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT SEVEN: (18 U.S.C. § 924(c)(1)(A) — Use/Possession of a Firearm During a Crime of
Violence)

35. On or about November 26, 2016, in the Northern District of California, defendant

JONATHAN JOSEPH NELSON, a/k/a “Jon Jon,”

together with others known and unknown, unlawfully and knowingly used, carried, and brandished a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the maiming in aid of racketeering of Victim 5 charged in Count Five of this Superseding Indictment and the assault with a dangerous weapon in aid of racketeering of Victim 5 charged in Count Six of this Superseding Indictment, and possessed and brandished a firearm in furtherance of the offenses charged in Counts Five and Six of this Superseding Indictment.

All in violation of Title 18, United States Code, Section 924(c)(1)(A).

//

//

1 COUNT EIGHT: (18 U.S.C. § 1512(b) — Witness Intimidation)

2 36. On or about November 26, 2016, in the Northern District of California, defendant
3 RAYMOND MICHAEL FOAKES, a/k/a “Ray Ray,”
4 knowingly attempted to intimidate and threaten and corruptly persuade Victim 6 by threatening to harm
5 Victim 6 and Victim 6’s family with the intent to influence and delay and prevent the testimony of
6 Victim 6 in an official proceeding, to wit, any adjudication of RAYMOND FOAKES’ violation of the
7 conditions of his supervised release in Case No. CR 11-0624 WHA (N.D. Cal.).

8 All in violation of Title 18, United States Code, Section 1512(b)(1).
9

10 COUNT NINE: (18 U.S.C. § 1951(a) — Hobbs Act Robbery)

11 37. On or about December 19, 2016, in the Northern District of California, defendant
12 JEREMY DANIEL GREER
13 knowingly obstructed, delayed, and affected commerce and the movement of articles and commodities
14 in commerce by robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1); that
15 is, defendant robbed Victim 4 of marijuana and United States currency.

16 All in violation of Title 18, United States Code, Section 1951(a).
17

18 COUNT TEN: (18 U.S.C. § 924(c)(1)(A) — Use/Possession of a Firearm During a Crime of
19 Violence)

20 38. On or about December 19, 2016, in the Northern District of California, defendant
21 JEREMY DANIEL GREER
22 unlawfully and knowingly used, carried, and brandished a firearm during and in relation to a crime of
23 violence for which he may be prosecuted in a court of the United States, namely, the robbery of Victim
24 4 charged in Count Nine of this Superseding Indictment, and possessed a firearm in furtherance of the
25 offense charged in Count Nine of this Superseding Indictment.

26 All in violation of Title 18, United States Code, Section 924(c)(1)(A).
27 //

28 //

1 COUNT ELEVEN: (18 U.S.C. § 1512(b) — Witness Intimidation)

2 39. On or about February 8, 2017, in the Northern District of California, defendant
 3 BRIAN ALLEN BURKE, a/k/a “Bucky,”
 4 knowingly attempted to intimidate and threaten and corruptly persuade Victim 6 by threatening to shoot
 5 Victim 6 with a firearm with the intent to influence and delay and prevent the testimony of Victim 6 in
 6 an official proceeding, to wit, the adjudication of RAYMOND FOAKES’ violation of the conditions of
 7 his supervised release in Case No. CR 11-0624 WHA (N.D. Cal.).

8 All in violation of Title 18, United States Code, Section 1512(b)(1).
 9

10 COUNT TWELVE: (18 U.S.C. § 1512(c)(1) — Obstruction of Justice)

11 40. On or about July 16, 2014, in the Northern District of California and elsewhere,
 12 defendant

13 MERL FREDRICK HEFFERMAN
 14 corruptly altered, destroyed, mutilated, and concealed an object, to wit, the body of Victim 1, referred to
 15 in paragraph 22(e), above, with the intent to impair its integrity and availability for use in an official
 16 proceeding, to wit, the federal prosecution of the defendants listed in this Superseding Indictment.

17 All in violation of Title 18, United States Code, Section 1512(c)(1).
 18

19 NOTICE OF SPECIAL FINDINGS AS TO DEFENDANT JONATHAN JOSEPH NELSON

20 41. The allegations set forth in Count Three of this Superseding Indictment are hereby
 21 realleged as if fully set forth herein and incorporated by reference.

22 42. As to Count Three of this Superseding Indictment, the defendant, JONATHAN JOSEPH
 23 NELSON:

24 (1) was 18 years of age or older at the time of the offense (Title 18, United States Code,
 25 Section 3591(a));

26 (2) intentionally participated in an act, contemplating that the life of a person would be taken
 27 or intending that lethal force would be used in connection with a person, other than one of the
 28

participants in the offense, and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)); and

(3) in committing the offense described in Count Three of this Superseding Indictment, the defendant acted after substantial planning and premeditation to cause the death of a person (Title 18, United States Code, Section 3592(c)(9)).

NOTICE OF SPECIAL FINDINGS AS TO DEFENDANT BRIAN WENDT

43. The allegations set forth in Count Three of this Superseding Indictment are hereby realleged as if fully set forth herein and incorporated by reference.

44. As to Count Three of this Superseding Indictment, the defendant, BRIAN WENDT:

(1) was 18 years of age or older at the time of the offense (Title 18, United States Code, Section 3591(a));

(2) intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A));

(3) intentionally inflicted serious bodily injury that resulted in the death of the victim (Title 18, United States Code, Section 3591(a)(2)(B));

(4) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)); and

(5) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted reckless disregard for human life and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D)); and

(6) in committing the offense described in Count Three of this Superseding Indictment, the defendant acted after substantial planning and premeditation to cause the death of a person (Title 18, United States Code, Section 3592(c)(9)).

//

//

1 NOTICE OF SPECIAL FINDINGS AS TO DEFENDANT RUSSELL TAYLOR OTT

2 45. The allegations set forth in Count Three of this Superseding Indictment are hereby
3 realleged as if fully set forth herein and incorporated by reference.

4 46. As to Count Three of this Superseding Indictment, the defendant, RUSSELL TAYLOR
5 OTT:

6 (1) was 18 years of age or older at the time of the offense (Title 18, United States Code,
7 Section 3591(a));

8 (2) intentionally participated in an act, contemplating that the life of a person would be taken
9 or intending that lethal force would be used in connection with a person, other than one of the
10 participants in the offense, and the victim died as a direct result of the act (Title 18, United States Code,
11 Section 3591(a)(2)(C)); and

12 (3) in committing the offense described in Count Three of this Superseding Indictment, the
13 defendant acted after substantial planning and premeditation to cause the death of a person (Title 18,
14 United States Code, Section 3592(c)(9)).

15
16 FORFEITURE ALLEGATION: (18 U.S.C. § 1963(a); 18 U.S.C. § 924(d); 18 U.S.C. §
17 981(a)(1)(C); 28 U.S.C. § 2461(c))

18 47. The factual allegations contained in Count One this Superseding Indictment are realleged
19 and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the
20 provisions of 18 U.S.C. § 1963(a). Upon conviction of the offense alleged in Count One, the defendants

21 JONATHAN JOSEPH NELSON, a/k/a "Jon Jon,"
22 RAYMOND MICHAEL FOAKES, a/k/a "Ray Ray,"
23 RUSSELL ALLEN LYLES, JR., a/k/a "J.R.,"
24 JEREMY DANIEL GREER,
25 BRIAN WAYNE WENDT,
26 RUSSELL TAYLOR OTT, a/k/a "Rusty,"
27 CHRISTOPHER RANIERI, a/k/a "Rain Man,"
28 DAMIEN DAVID CESENA, and
DAVID SALVATORE DIAZ, III

shall forfeit to the United States, pursuant to 18 U.S.C. § 1963(a), (1) any interest the person has

1 acquired or maintained in violation of 18 U.S.C. § 1962; (2) any interest in, security of, claim against, or
 2 property or contractual right of any kind affording a source of influence over, any enterprise which the
 3 person has established, operated, controlled, conducted or participated in the conduct of, in violation of
 4 18 U.S.C. § 1962; and (3) any property (including real property and things growing thereon, affixed
 5 thereto and found in land, and any tangible and intangible personal property including rights, privileges,
 6 interests, claims, and securities), constituting or derived from any proceeds which the person obtained
 7 directly or indirectly from racketeering activity in violation of 18 U.S.C. § 1962, including but not
 8 limited to the following property:

9 a. One Harley Davidson motorcycle, license plate number 21M1780,
 10 b. One Harley Davidson motorcycle, license plate number 21J9345,
 11 c. One Harley Davidson motorcycle, license plate number 16N5106,
 12 d. One Harley Davidson motorcycle, license plate number 22M3666,
 13 e. One Harley Davidson motorcycle, license plate number 22F4360,
 14 f. One Harley Davidson motorcycle, license plate number 20A9211,
 15 g. One Harley Davidson motorcycle, license plate number 20H2093,
 16 h. Clothing, memorabilia, and other items showing, containing or including Hells Angels or
 17 Hells Angels-associated logos or other indicia, which was seized from the following locations on
 18 November 18, 2017:

19 i. 91 Bailache Ave., Healdsburg, CA,
 20 ii. 2765 Antelope Ln., Santa Rosa, CA,
 21 iii. 9149 Windsor Rd., Windsor, CA,
 22 iv. Big Shots Screen Printing, 5900 Pruit Ave., #526, Santa Rosa, CA,
 23 v. North Bay Roofing and Gutter Co., 887 Sebastopol Rd., Santa Rosa, CA,
 24 vi. 1430 Country Manor Dr., Santa Rosa, CA,
 25 vii. 129 Carrillo St., Santa Rosa, CA,
 26 viii. 648 Auburn St., Tulare, CA,
 27 ix. 2346 Basque Ct., Santa Rosa, CA.
 28

48. The factual allegations contained in Counts One through Eleven of this Superseding Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c). Upon conviction of the offenses alleged in Counts One through Twelve, defendants,

JONATHAN JOSEPH NELSON, a/k/a "Jon Jon,"
 RAYMOND MICHAEL FOAKES, a/k/a "Ray Ray,"
 RUSSELL ALLEN LYLES, JR., a/k/a "J.R.,"
 JEREMY DANIEL GREER, and
 BRIAN WAYNE WENDT,
 RUSSELL TAYLOR OTT, a/k/a "Rusty,"
 CHRISTOPHER RANIERI, a/k/a "Rain Man,"
 DAMIEN DAVID CESENA,
 BRIAN ALLEN BURKE, a/k/a "Bucky," and
 DAVID SALVATORE DIAZ, III,

shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearm or ammunition involved in a violation of the offenses.

49. The factual allegations contained in Counts Four, Eight, Nine, and Eleven of this Superseding Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c). Upon conviction of the offenses alleged in Counts Four, Eight, Nine, Eleven, and Twelve, defendants

JEREMY DANIEL GREER,
 RAYMOND MICHAEL FOAKES, a/k/a "Ray Ray,"
 DAMIEN DAVID CESENA, and
 BRIAN ALLEN BURKE, a/k/a "Bucky,"

shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense, or any property traceable to such property.

50. If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

any and all interest the defendant has in any other property (not to exceed the value of the above forfeitable property) shall be forfeited to the United States, pursuant to 18 U.S.C. § 1963(m) and 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

All in violation of 18 U.S.C. § 1963(a); 18 U.S.C. § 924(d); 18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c) and pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

DATED: 9/11/18

A TRUE BILL.

FOREPERSON

ALEX G. TSE
United States Attorney

STEPHANIE HINDS
Deputy Chief, Criminal Division

(Approved as to form: )
AUSA KEVIN J. BARRY